

110TH CONGRESS
1ST SESSION

H. R. 2712

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2007

Ms. ROS-LEHTINEN (for herself, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. FORTUÑO, Mr. MACK, Mr. MANZULLO, Mr. McCAUL of Texas, Mr. McCOTTER, Mr. SMITH of New Jersey, Mr. PENCE, Mr. POE, Mr. ROHRBACHER, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This title may be cited as the
5 “United Nations Transparency, Accountability, and Re-
6 form Act of 2007”.

7 (b) TABLE OF CONTENTS.—The table of contents is
8 as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—FUNDING OF THE UNITED NATIONS

- Sec. 101. Findings.
- Sec. 102. Apportionment of the United Nations regular budget on a voluntary basis.
- Sec. 103. Budget justification for United States Contributions to the regular budget of the United Nations.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY FOR UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Establishment and management of the Office of the United States Inspector General for Contributions to the United Nations System.
- Sec. 204. Transparency for United States Contributions.
- Sec. 205. Authorization of appropriations.

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

- Sec. 301. Annual publication.
- Sec. 302. Annual financial disclosure.
- Sec. 303. Policy with respect to expansion of the Security Council.
- Sec. 304. Access to reports and audits.
- Sec. 305. Waiver of immunity.
- Sec. 306. Terrorism and the United Nations.
- Sec. 307. Report on United Nations reform.
- Sec. 308. Report on United Nations personnel.
- Sec. 309. Limitations on United States Contributions to UNRWA.
- Sec. 310. United Nations treaty bodies.
- Sec. 311. Equality at the United Nations.
- Sec. 312. Anti-semitism and the United Nations.
- Sec. 313. Regional group inclusion of Israel.

TITLE IV—UNITED NATIONS HUMAN RIGHTS COUNCIL

- Sec. 401. Findings.
- Sec. 402. Human Rights Council membership and funding.

TITLE V—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 501. International Atomic Energy Agency.
- Sec. 502. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

TITLE VI—PEACEKEEPING

- Sec. 601. Reform of United Nations peacekeeping operations.
- Sec. 602. Policy relating to reform of United Nations peacekeeping operations.
- Sec. 603. Certification.

1 SEC. 2. DEFINITIONS.

2 In this act:

1 (1) EMPLOYEE.—The term “employee” means
2 an individual who is employed in the general serv-
3 ices, professional staff, or senior management of the
4 United Nations, including contractors and consult-
5 ants.

6 (2) GENERAL ASSEMBLY.—The term “General
7 Assembly” means the General Assembly of the
8 United Nations.

9 (3) MEMBER STATE.—The term “Member
10 State” means a Member State of the United Na-
11 tions. Such term is synonymous with the term
12 “country”.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of State.

15 (5) SECRETARY GENERAL.—The term “Sec-
16 retary General” means the Secretary General of the
17 United Nations.

18 (6) SECURITY COUNCIL.—The term “Security
19 Council” means the Security Council of the United
20 Nations.

21 (7) UN.—The term “UN” means the United
22 Nations.

23 (8) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committees on Appropriations,
2 Foreign Affairs, and Oversight and Government
3 Reform of the House; and

4 (B) the Committees on Appropriations,
5 Foreign Relations, Homeland Security and Gov-
6 ernmental Affairs of the Senate.

7 **TITLE I—FUNDING OF THE**
8 **UNITED NATIONS**

9 **SEC. 101. FINDINGS.**

10 The Congress makes the following findings:

11 (1) According to the White House Office of
12 Management and Budget, the United States paid
13 over 5,300,000,000 dollars into the United Nations
14 system in 2005, significantly more than was paid by
15 any other nation.

16 (2) Under current rules and contribution levels,
17 it is possible to assemble the two-thirds majority
18 needed for important UN budget votes with a group
19 of countries that, taken together, pay less than 1
20 percent of the total UN regular budget.

21 (3) The disconnect between contribution levels
22 and management control creates significant perverse
23 incentives in terms of UN spending, transparency,
24 and accountability.

1 (4) The United Nations system suffers from
2 unacceptably high levels of waste, fraud, and abuse,
3 which seriously impair its ability to fulfill the lofty
4 ideals of its founding.

5 (5) According to a February 2007 Gallup Poll,
6 66 percent of Americans think that the United Na-
7 tions is doing a poor job, the UN's lowest job-ap-
8 proval rating ever in the 54 years that those statis-
9 tics have been kept. Research polling by another
10 firm in late 2006 found that 71 percent of Ameri-
11 cans think that the UN is "no longer effective" and
12 needs to be significantly reformed, while 75 percent
13 think that the UN "needs to be held more account-
14 able."

15 (6) Significant improvements in UN trans-
16 parency and accountability are necessary for improv-
17 ing public perceptions of and American support for
18 UN operations.

19 (7) Because of their need to justify future con-
20 tributions from donors, voluntarily funded organiza-
21 tions have more incentive to be responsive and effi-
22 cient in their operations than organizations funded
23 by compulsory contributions that are not tied to per-
24 formance.

1 (8) Article XVII of the Charter of the United
 2 Nations, which states that “[t]he expenses of the
 3 Organization shall be borne by the Members as ap-
 4 portioned by the General Assembly,” leaves to the
 5 discretion of the General Assembly the basis of ap-
 6 portionment, which could be done on the basis of
 7 voluntary pledges by Member States.

8 (9) Unlike U.S. assessed contributions to the
 9 UN regular budget, which are statutorily capped at
 10 22 percent of the total, there is no cap on voluntary
 11 contributions.

12 (10) The United States, which contributes gen-
 13 erously to international organizations whose activi-
 14 ties it recognizes as credible, worthwhile, and effi-
 15 cient, contributes more than 22 percent of the budg-
 16 et of certain voluntarily funded UN Specialized
 17 Agencies.

18 **SEC. 102. APPORTIONMENT OF THE UNITED NATIONS REG-**
 19 **ULAR BUDGET ON A VOLUNTARY BASIS.**

20 (a) UNITED STATES POLICY.—

21 (1) It is the policy of the United States to seek
 22 to shift the funding mechanism for the regular budg-
 23 et of the United Nations from an assessed to a vol-
 24 untary basis.

1 (2) The President shall direct the United States
2 Permanent Representative to the United Nations to
3 use the voice, vote, and influence of the United
4 States at the United Nations to shift the funding
5 mechanism for the regular budget of the United Na-
6 tions to a voluntary basis, and to make it a priority
7 to build support for such a transformational change
8 among Member States, particularly key UN donors;

9 (b) CERTIFICATION OF PREDOMINANTLY VOL-
10 UNTARY UN REGULAR BUDGET FINDING.—A certifi-
11 cation described in this section is a certification by the
12 Secretary of State to the Appropriate Congressional Com-
13 mittees that at least 80 percent of the total regular budget
14 of the United Nations is apportioned on a voluntary basis.
15 Each such certification shall be shall be effective for a pe-
16 riod of no more than 1 year, and shall be promptly revoked
17 by the Secretary, with notice to the Appropriate Congres-
18 sional Committees, if the underlying circumstances change
19 so as not to warrant such certification.

20 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-
21 TIONS.—

22 (1) Beginning 2 years after the effective date of
23 this act and notwithstanding any other provision of
24 law, no funds may be obligated or expended for a
25 United States assessed contribution to the regular

1 budget of the United Nations in an amount greater
2 than 50 percent of the United States share of as-
3 sessed contributions for the regular budget of the
4 United Nations unless there is in effect a certifi-
5 cation by the Secretary, as described in paragraph
6 (b).

7 (2) For a period of 3 years after appropriation,
8 funds appropriated for use as a United States con-
9 tribution to the regular budget of the United Na-
10 tions but withheld from obligation and expenditure
11 pursuant to paragraph (1) may be obligated and ex-
12 pended for that purpose upon the certification de-
13 scribed in paragraph (b). After 3 years, in the ab-
14 sence of such certification, those funds shall revert
15 to the United States Treasury.

16 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**
17 **CONTRIBUTIONS TO THE REGULAR BUDGET**
18 **OF THE UNITED NATIONS.**

19 (a) DETAILED ITEMIZATION.—The annual congres-
20 sional budget justification shall include a detailed itemized
21 request in support of the contribution of the United States
22 to the regular budget of the United Nations.

23 (b) CONTENTS OF DETAILED ITEMIZATION.—The
24 detailed itemization required under subsection (a) shall—

1 (1) contain information relating to the amounts
2 requested in support of each of the various sections
3 and titles of the regular budget of the United Na-
4 tions; and

5 (2) compare the amounts requested for the cur-
6 rent year with the actual or estimated amounts con-
7 tributed by the United States in previous fiscal years
8 for the same sections and titles.

9 (c) ADJUSTMENTS AND NOTIFICATION.—If the
10 United Nations proposes an adjustment to its regular as-
11 sessed budget, the Secretary of State shall, at the time
12 such adjustment is presented to the Advisory Committee
13 on Administrative and Budgetary Questions (ACABQ),
14 notify and consult with the appropriate congressional com-
15 mittees.

16 **TITLE II—TRANSPARENCY AND**
17 **ACCOUNTABILITY FOR**
18 **UNITED STATES CONTRIBU-**
19 **TIONS TO THE UNITED NA-**
20 **TIONS**

21 **SEC. 201. FINDINGS.**

22 The Congress makes the following findings:

23 (1) As underscored by continuing revelations of
24 waste, fraud, and abuse, oversight and account-
25 ability mechanisms within the United Nations sys-

1 tem remain significantly deficient, despite decades of
2 reform attempts, including those initiated by Secre-
3 taries-General of the United Nations.

4 (2) Notwithstanding the personal intentions of
5 any Secretary-General of the United Nations to pro-
6 mote institutional transparency and accountability
7 within the United Nations System, the Secretary-
8 General lacks the power to impose far reaching man-
9 agement reforms without the concurrence of the
10 General Assembly.

11 (3) Groupings of Member States whose voting
12 power in the General Assembly significantly out-
13 paces their proportional contributions to the UN
14 system, have repeatedly and successfully defeated,
15 delayed, and diluted various reform proposals that
16 would have enabled more detailed oversight and
17 scrutiny of UN system operations and expenditures.

18 (4) To an unacceptable degree, major donor
19 states, including the United States, lack access to
20 reasonably detailed, reliable information that would
21 allow them to determine how their contributions
22 have been spent by various UN system entities, fur-
23 ther contributing to the lack of accountability within
24 the UN system.

1 **SEC. 202. DEFINITIONS.**

2 In this title:

3 (1) UNITED NATIONS ENTITY.—The term
4 “United Nations Entity” means any UN agency,
5 commission, conference, council, court, department,
6 forum, fund, institute, office, organization, partner-
7 ship, program, subsidiary body, tribunal, trust, uni-
8 versity or academic body, related organization or
9 subsidiary body, wherever located, that flies the UN
10 flag or is authorized to use the UN logo, including
11 but not limited to those UN affiliated agencies and
12 bodies identified as recipients of United States con-
13 tributions under section 1225(b)(3)(E) of the John
14 Warner National Defense Authorization Act for Fis-
15 cal Year 2007 (Public Law 109–364).

16 (2) UNITED NATIONS SYSTEM.—The term
17 “United Nations System” means the aggregation of
18 all United Nations Entities, as defined in paragraph
19 (1).

20 (3) UNITED STATES CONTRIBUTION.—The term
21 “United States Contribution” means an assessed or
22 voluntary contribution, whether financial, in-kind, or
23 otherwise, from the United States federal govern-
24 ment to a United Nations Entity, including con-
25 tributions passed through other entities for ultimate
26 use by a United Nations Entity. United States Con-

1 contributions include, but are not limited to, those con-
2 tributions identified pursuant to section
3 1225(b)(3)(E) of the John Warner National Defense
4 Authorization Act for Fiscal Year 2007 (Public Law
5 109–364).

6 (4) TRANSPARENCY CERTIFICATION.—The term
7 “Transparency Certification” means an annual,
8 written affirmation by the head or authorized des-
9 ignee of a United Nations Entity that the Entity will
10 cooperate with the Inspector General, including by
11 providing the Inspector General, upon request, with
12 full access to Oversight Information as defined in
13 this title.

14 (5) OVERSIGHT INFORMATION.—The term
15 “Oversight Information” includes—

16 (A) internally and externally commissioned
17 audits, program reviews, performance reports,
18 and evaluations;

19 (B) financial statements, records, and bill-
20 ing systems;

21 (C) program budgets and program budget
22 implications, including revised estimates and re-
23 ports produced by or provided to the Secretary
24 General and the Secretary General’s agents on
25 budget related matters;

1 (D) operational plans, budgets, and budg-
 2 etary analyses for peacekeeping operations;

3 (E) analyses and reports regarding the
 4 scale of assessments;

5 (F) databases and other data systems con-
 6 taining financial or programmatic information;

7 (G) documents or other records alleging or
 8 involving improper use of resources, mis-
 9 conduct, mismanagement, or other violations of
 10 rules and regulations applicable to the United
 11 Nations Entity; and

12 (H) other documentation relevant to the
 13 audit and investigative work of the United
 14 States Inspector General for Contributions to
 15 the United Nations System.

16 **SEC. 203. ESTABLISHMENT AND MANAGEMENT OF THE OF-**
 17 **FICE OF THE UNITED STATES INSPECTOR**
 18 **GENERAL FOR CONTRIBUTIONS TO THE**
 19 **UNITED NATIONS SYSTEM.**

20 (a) PURPOSE.—The purpose of this section is to
 21 make possible the independent and objective conduct of
 22 audits and investigations relating to United States Con-
 23 tributions to the United Nations System and the use of
 24 those contributions by United Nations Entities, in an ef-
 25 fort to eliminate and deter waste, fraud, and abuse in the

1 use of those contributions, and thereby to contribute to
2 the development of greater transparency, accountability,
3 and internal controls throughout the United Nations Sys-
4 tem.

5 (b) ESTABLISHMENT.—There is hereby established
6 the Office of the United States Inspector General for Con-
7 tributions to the United Nations System.

8 (c) INSPECTOR GENERAL.—

9 (1) APPOINTMENT.—The head of the Office of
10 the United States Inspector General for Contribu-
11 tions to the United Nations System is the Inspector
12 General for Contributions to the United Nations
13 System, who shall be appointed by the President, by
14 and with the advice and consent of the Senate, on
15 the basis of integrity and demonstrated ability in ac-
16 counting, auditing, financial analysis, law, manage-
17 ment analysis, public administration, or investiga-
18 tions.

19 (2) NOMINATION.—The nomination of an indi-
20 vidual as Inspector General shall be made not later
21 than 30 days after the enactment of this Act.

22 (3) REMOVAL.—The Inspector General may be
23 removed from office by the President. The President
24 shall communicate the reasons for any such removal
25 to both Houses of Congress.

1 (4) COMPENSATION.—The annual rate of basic
2 pay of the Inspector General shall be the annual rate
3 of basic pay provided for positions at level IV of the
4 Executive Schedule under section 5315 of title 5,
5 United States Code.

6 (5) RELATIONSHIP TO BOARD.—

7 (A) Except as provided in paragraph (B),
8 the Inspector General shall report directly to
9 and be under the general supervision of, the
10 Board of Directors created in paragraph (d).

11 (B) Neither the Board, any officer of the
12 Board, nor any officer of a federal department
13 or agency shall prevent or prohibit the Inspec-
14 tor General from initiating, carrying out, or
15 completing any audit or investigation.

16 (6) DUTIES.—

17 (A) It shall be the duty of the Inspector
18 General to conduct, supervise, and coordinate
19 audits and investigations of—

20 (i) the treatment, handling, expendi-
21 ture, and use of United States Contribu-
22 tions by and to United Nations Entities;
23 and

24 (ii) the adequacy of accounting, over-
25 sight, and internal control mechanisms at

1 United Nations Entities that receive
2 United States Contributions.

3 (B) The Inspector General shall establish,
4 maintain, and oversee such systems, procedures,
5 and controls as the Inspector General considers
6 appropriate to discharge the duty under para-
7 graph (A).

8 (C) The Inspector General shall carry out
9 the duties specified in paragraphs (A) and (B)
10 in accordance with section 4(b)(1) of the In-
11 spector General Act of 1978.

12 (D) The Inspector General shall collect
13 and maintain current records regarding Trans-
14 parency Certifications by all United Nations
15 Entities that receive United States Contribu-
16 tions.

17 (E) The Inspector General shall keep the
18 Board of Directors and the Congress fully and
19 promptly informed of how United Nations Enti-
20 ties are spending United States Contributions
21 by means of reports, testimony, and briefings.

22 (F) REFERRALS.—

23 (i) The Inspector General shall
24 promptly report to the U.S. Attorney Gen-
25 eral when Inspector General has reason-

1 able grounds to believe a U.S. federal
2 criminal law has been violated by a United
3 Nations Entity or one of its employees,
4 contractors, or representatives.

5 (ii) The Inspector General shall
6 promptly report, when appropriate, to the
7 Secretary General or the head of the ap-
8 propriate United Nations Entity cases
9 where the Inspector General reasonably be-
10 lieves that mismanagement, misfeasance,
11 or malfeasance is likely to have taken place
12 within a United Nations Entity and dis-
13 ciplinary proceedings are likely justified.

14 (7) PERSONNEL, FACILITIES, AND OTHER RE-
15 SOURCES.—

16 (A) The Inspector General may select, ap-
17 point, and employ such officers and employees
18 as may be necessary for carrying out the duties
19 of the Inspector General.

20 (B) The Inspector General may obtain
21 services as authorized by section 3109 of title
22 5, United States Code, at daily rates not to ex-
23 ceed the equivalent rate prescribed for grade
24 GS-15 of the General Schedule by section 5332
25 of such title.

1 (C) The Inspector General may lease, pur-
2 chase, or otherwise acquire, improve, and use
3 such real property wherever situated, as may be
4 necessary for carrying out this section.

5 (D) To the extent and in such amounts as
6 may be provided in advance by appropriations
7 Acts, the Inspector General may enter into con-
8 tracts and other arrangements for audits, stud-
9 ies, analyses, and other services with public
10 agencies and with private persons, and make
11 such payments as may be necessary to carry
12 out the duties of the Inspector General.

13 (E) Upon request by the Inspector Gen-
14 eral, the head of an agency may detail any em-
15 ployee of such agency to the Office of the
16 United States Inspector General for Contribu-
17 tions to the United Nations System on a reim-
18 bursable basis. Any employee so detailed re-
19 mains, for the purpose of preserving such em-
20 ployee's allowances, privileges, rights, seniority,
21 and other benefits, an employee of the agency
22 from which detailed.

23 (8) COOPERATION BY UNITED STATES GOVERN-
24 MENT ENTITIES.—

1 (A) In carrying out the duties, responsibilities,
2 ities, and authorities of the Inspector General
3 under this section, the Inspector General shall
4 receive the cooperation of inspectors general of
5 other Federal Government agencies.

6 (B) Upon request of the Inspector General
7 for information or assistance from any depart-
8 ment, agency, or other entity of the Federal
9 Government, the head of such entity shall, inso-
10 far as is practicable and not in contravention of
11 any existing law, furnish such information or
12 assistance to the Inspector General, or an au-
13 thorized designee.

14 (C) Whenever information or assistance re-
15 quested by the Inspector General is, in the
16 judgment of the Inspector General, unreason-
17 ably refused or not provided, the Inspector Gen-
18 eral shall report the circumstances to the Board
19 of Directors and to the Appropriate Congres-
20 sional Committees without delay.

21 (9) CONFIRMATION OF TRANSPARENCY BY
22 UNITED NATIONS ENTITIES.—

23 (A) PROMPT NOTICE BY INSPECTOR GEN-
24 ERAL.—Whenever information or assistance re-
25 quested from a United Nations Entity by the

1 Inspector General pursuant to a Transparency
2 Certification is, in the opinion of the Inspector
3 General, unreasonably refused or not provided
4 in a timely manner, the Inspector General shall
5 notify the Board of Directors, the head of that
6 particular United Nations Entity, and the Sec-
7 retary General of the circumstances in writing,
8 without delay.

9 (B) NOTICE OF COMPLIANCE.—If and
10 when the information or assistance being
11 sought by the Inspector General in connection
12 with a notification pursuant to paragraph (A) is
13 provided to the satisfaction of the Inspector
14 General, the Inspector General shall so notify in
15 writing the United Nations Entity, the Board
16 of Directors, and the Appropriate Congressional
17 Committees.

18 (C) NONCOMPLIANCE.—If the information
19 or assistance being sought by the Inspector
20 General in connection with a notification pursu-
21 ant to paragraph (A) is not provided to the sat-
22 isfaction of the Inspector General within 90
23 days of that notification, then the United Na-
24 tions Entity that is the subject of the notifica-
25 tion is deemed to be noncompliant with its

1 Transparency Certification, and the Inspector
2 General shall provide prompt, written notifica-
3 tion of that fact to the Board of Directors, Ap-
4 propriate Congressional Committees, the head
5 of that United Nations Entity, the Secretary
6 General, and any office or agency of the Fed-
7 eral Government that has provided that United
8 Nations Entity with any United States Con-
9 tribution during the prior 2 years.

10 (D) RESTORATION OF COMPLIANCE.—

11 After the situation has been resolved to the sat-
12 isfaction of the Board of Directors, a finding of
13 Transparency Certification noncompliance pur-
14 suant to paragraph (B) may be reversed by an
15 affirmative vote of at least 5 of the 7 members
16 of the Board of Directors. The Board shall
17 promptly provide notification of such restora-
18 tion, along with a description of the basis for
19 the Board's decision, to the Inspector General,
20 Appropriate Congressional Committees, the
21 head of the affected United Nations Entity, the
22 Secretary General, and the head of any office or
23 agency of the Federal Government that has
24 provided that United Nations Entity with any

1 United States Contribution during the prior 2
2 years.

3 (E) COST REIMBURSEMENT.—The Inspec-
4 tor General may reimburse United Nations En-
5 tities for the reasonable cost of providing to the
6 Inspector General information or assistance
7 sought pursuant to a Transparency Certifi-
8 cation for the purpose of performing the duties
9 described in paragraph (6).

10 (10) REPORTS.—

11 (A) AUDIT AND INVESTIGATION RE-
12 PORTS.—Promptly upon completion, the Inspec-
13 tor General shall provide copies of each audit
14 and investigation report completed pursuant to
15 paragraph (6) to the Board of Directors, the
16 Appropriate Congressional Committees, and, to
17 the extent permissible under United States law,
18 the head of each United Nations Entity that is
19 the subject of that particular report.

20 (B) SEMIANNUAL REPORTS.—Not later
21 than May 30, 2008, and semiannually there-
22 after, the Inspector General shall submit to the
23 Appropriate Congressional Committees a report
24 that, among other things—

(i) meets the requirements of section 5 of the Inspector General Act of 1978; and

(ii) includes a list of and detailed description of the circumstances surrounding any notification of noncompliance issued pursuant to paragraph 9(C) during the covered timeframe, and whether and when Board of Directors has reversed such finding of noncompliance.

(C) PROHIBITED DISCLOSURES.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(i) specifically prohibited from disclosure by any other provision of law;

(ii) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(iii) a part of an ongoing criminal investigation.

(D) PRIVACY PROTECTIONS.—The Inspector General shall exempt from public disclosure

1 information received from a United Nations
2 Entity or developed during an audit or inves-
3 tigation that the Inspector General believes—

4 (i) constitutes a trade secret or privi-
5 leged and confidential personal financial
6 information;

7 (ii) accuses a particular person of a
8 crime;

9 (iii) would, if publicly disclosed, con-
10 stitute a clearly unwarranted invasion of
11 personal privacy; and

12 (iv) would compromise an ongoing law
13 enforcement investigation or judicial trial
14 in the United States.

15 (E) PUBLICATION.—Subject only to the
16 exceptions detailed in paragraphs (C) and (D),
17 the Inspector General shall promptly publish
18 each report under this subsection on a publicly
19 available and searchable Internet website.

20 (d) BOARD OF DIRECTORS.—

21 (1) ESTABLISHMENT.—The Office of the
22 United States Inspector General for Contributions to
23 the United Nations System shall have a Board of
24 Directors.

1 (2) DUTIES.—The Board shall receive informa-
2 tion and reports of audits and investigations from
3 the Office and the Inspector General, provide gen-
4 eral direction and supervision to the Office and the
5 Inspector General, and determine the restoration of
6 compliance by any United Nations Entity with its
7 Transparency Certification pursuant to paragraph
8 9(d).

9 (3) MEMBERSHIP.—The Board shall consist of
10 the Secretary of State (or the Secretary’s designee),
11 the Secretary of Labor (or the Secretary’s designee),
12 the Secretary of Agriculture (or the Secretary’s des-
13 ignee), the Secretary of Defense (or the Secretary’s
14 designee), the Administrator of the Environmental
15 Protection Agency (or the Administrator’s designee),
16 the Secretary of the Treasury (or the Secretary’s
17 designee), and the Director of the Office of Manage-
18 ment and Budget (or the Director’s designee).

19 (4) CHAIRMANSHIP.—The Board shall be
20 chaired by a board member, and the chairmanship
21 shall rotate among the member departments and
22 agencies on an annual basis. The first chair shall be
23 the Director or designee from the Office of Manage-
24 ment and Budget.

1 **SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBU-**
2 **TIONS.**

3 (a) **FUNDING PREREQUISITES.**—Notwithstanding
4 any other provision of law, no funds made available for
5 use as a United States Contribution to any United Na-
6 tions Entity may be obligated or expended if—

7 (1) the intended United Nations Entity recipi-
8 ent has not provided to the Inspector General within
9 the preceding year a Transparency Certification as
10 defined in section 202(4); or

11 (2) the intended United Nations Entity recipi-
12 ent is noncompliant with its Transparency Certifi-
13 cation as described in section 203(c)(9)(C).

14 (b) **TREATMENT OF FUNDS WITHHELD FOR NON-**
15 **COMPLIANCE.**—At the conclusion of each fiscal year, any
16 funds that had been appropriated for use as a United
17 States Contribution to a United Nations Entity during
18 that fiscal year, but could not be obligated or expended
19 because of the restrictions of paragraph 1, shall be re-
20 turned to the United States Treasury, and are not subject
21 to reprogramming for any other use. Any such funds re-
22 turned to the Treasury shall not be considered arrears to
23 be repaid to any United Nations Entity.

24 (c) **PRESIDENTIAL WAIVER.**—The President may
25 waive the limitations of this subsection with respect to a
26 particular United States Contribution to a particular

1 United Nations Entity within a single fiscal year if the
2 President determines that it is required by the national
3 security interests of the United States and provides notifi-
4 cation and explanation of that determination to the Appro-
5 priate Congressional Committees.

6 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as are necessary to carry out the activities of this title,
9 provided that such sums be not less than one half of 1
10 percent of the total amount of all assessed and voluntary
11 contributions of the United States Government to the
12 United Nations and United Nations affiliated agencies
13 and related bodies during the prior fiscal year, as identi-
14 fied pursuant to section 1225(b)(3)(E) of the John War-
15 ner National Defense Authorization Act for Fiscal Year
16 2007 (Public Law 109–364).

17 **TITLE III—UNITED STATES POL-**
18 **ICY AT THE UNITED NATIONS**

19 **SEC. 301. ANNUAL PUBLICATION.**

20 The President shall direct the United States Perma-
21 nent Representative to the United Nations to use the
22 voice, vote, and influence of the United States at the
23 United Nations to ensure the United Nations publishes
24 annually, including on a publicly searchable internet
25 website, a list of all UN subsidiary bodies and their func-

1 tions, budgets, staff, and contributions, both voluntary
2 and assessed, sorted by donor.

3 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

4 The President shall direct the United States Perma-
5 nent Representative to the United Nations to use the
6 voice, vote, and influence of the United States at the
7 United Nations to implement a system for the required
8 filing of individual annual financial disclosure forms by
9 each employee of the United Nations and its specialized
10 agencies, programs, and funds at the P-5 level and above,
11 which shall be made available to the Office of Internal
12 Oversight Services and, upon request, to Member States
13 and their publics.

14 **SEC. 303. POLICY WITH RESPECT TO EXPANSION OF THE**
15 **SECURITY COUNCIL.**

16 It shall be the policy of the United States to use the
17 voice, vote, and influence of the United States at the
18 United Nations to oppose any proposals on expansion of
19 the Security Council if such expansion would—

20 (1) diminish the influence of the United States
21 on the Security Council;

22 (2) include veto rights for any new members of
23 the Security Council; or

24 (3) undermine the effectiveness of the Security
25 Council.

1 **SEC. 304. ACCESS TO REPORTS AND AUDITS.**

2 The President shall direct the United States Perma-
3 nent Representative to the United Nations to use the
4 voice, vote, and influence of the United States at the
5 United Nations to ensure that Member States may, upon
6 request, have access to all reports and audits completed
7 by the Board of External Auditors.

8 **SEC. 305. WAIVER OF IMMUNITY.**

9 The President shall direct the United States Perma-
10 nent Representative to the United Nations to use the
11 voice, vote, and influence of the United States at the
12 United Nations to ensure that the Secretary General exer-
13 cises the right and duty of the Secretary General under
14 section 20 of the Convention on the Privileges and Immu-
15 nities of the United Nations to waive the immunity of any
16 United Nations official in any case in which such immu-
17 nity would impede the course of justice. In exercising such
18 waiver, the Secretary General is urged to interpret the in-
19 terests of the United Nations as favoring the investigation
20 or prosecution of a United Nations official who is credibly
21 under investigation for having committed a serious crimi-
22 nal offense or who is credibly charged with a serious crimi-
23 nal offense.

24 **SEC. 306. TERRORISM AND THE UNITED NATIONS.**

25 The President shall direct the United States Perma-
26 nent Representative to the United Nations to use the

1 voice, vote, and influence of the United States at the
2 United Nations to work toward adoption by the general
3 assembly of—

4 (1) a definition of terrorism that builds upon
5 the recommendations of the December 2004 report
6 of the High-Level Panel on Threats, Challenges, and
7 Change, and includes as an essential component of
8 such definition any action that is intended to cause
9 death or serious bodily harm to civilians with the
10 purpose of intimidating a population or compelling a
11 government or an international organization to do,
12 or abstain from doing, any act; and

13 (2) a comprehensive convention on terrorism
14 that includes the definition described in paragraph
15 (1).

16 **SEC. 307. REPORT ON UNITED NATIONS REFORM.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, and annually for each
19 of the next 3 years, the Secretary shall submit to the ap-
20 propriate congressional committees a report on United
21 Nations reform.

22 (b) CONTENTS.—The report required under para-
23 graph (a) shall describe—

24 (1) progress toward the goal of shifting the
25 funding for the United Nations Regular Budget to

1 a voluntary basis as identified in section 102 above,
2 and a detailed description of efforts and activities by
3 United States diplomats and officials toward that
4 end;

5 (2) progress toward each of the policy goals
6 identified in the prior sections of this Title, and a
7 detailed, goal-specific description of efforts and ac-
8 tivities by United States diplomats and officials to-
9 ward those ends;

10 (3) the status of the implementation of manage-
11 ment reforms within the United Nations and its spe-
12 cialized agencies;

13 (4) the number of outputs, reports, or other
14 mandates generated by General Assembly resolutions
15 that have been eliminated;

16 (5) the progress of the General Assembly to
17 modernize and streamline the committee structure
18 and its specific recommendations on oversight and
19 committee outputs, consistent with the March 2005
20 report of the Secretary General entitled “In larger
21 freedom: towards development, security and human
22 rights for all”;

23 (6) the status of the review by the General As-
24 sembly of all mandates older than 5 years and how
25 resources have been redirected to new challenges,

1 consistent with such March 2005 report of the Sec-
2 retary General;

3 (7) the continued utility and relevance of the
4 Economic and Financial Committee and the Social,
5 Humanitarian, and Cultural Committee, in light of
6 the duplicative agendas of those committees and the
7 Economic and Social Council; and

8 (8) whether the United Nations or any of its
9 specialized agencies has contracted with any party
10 included on the Lists of Parties Excluded from Fed-
11 eral Procurement and Nonprocurement Programs.

12 **SEC. 308. REPORT ON UNITED NATIONS PERSONNEL.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of the enactment of this Act, the Secretary of State
15 shall submit to the appropriate congressional committees
16 a report—

17 (1) concerning the progress of the General As-
18 sembly to modernize human resource practices, con-
19 sistent with the March 2005 report of the Secretary
20 General entitled “In larger freedom: towards devel-
21 opment, security and human rights for all”; and

22 (2) containing the information described in sub-
23 section (b).

24 (b) CONTENTS.—The report shall include—

1 (1) a comprehensive evaluation of human re-
2 sources reforms at the United Nations, including an
3 evaluation of—

4 (A) tenure;

5 (B) performance reviews;

6 (C) the promotion system;

7 (D) a merit-based hiring system and en-
8 hanced regulations concerning termination of
9 employment of employees; and

10 (E) the implementation of a code of con-
11 duct and ethics training;

12 (2) the implementation of a system of proce-
13 dures for filing complaints and protective measures
14 for work-place harassment, including sexual harass-
15 ment;

16 (3) policy recommendations relating to the es-
17 tablishment of a rotation requirement for non-
18 administrative positions;

19 (4) policy recommendations relating to the es-
20 tablishment of a prohibition preventing personnel
21 and officials assigned to the mission of a Member
22 State to the United Nations from transferring to a
23 position within the United Nations Secretariat that
24 is compensated at the P-5 level and above;

1 (5) policy recommendations relating to a reduc-
2 tion in travel allowances and attendant oversight
3 with respect to accommodations and airline flights;
4 and

5 (6) an evaluation of the recommendations of the
6 Secretary General relating to greater flexibility for
7 the Secretary General in staffing decisions to accom-
8 modate changing priorities.

9 **SEC. 309. LIMITATIONS ON UNITED STATES CONTRIBU-**
10 **TIONS TO UNRWA.**

11 The Secretary of State may not contribute annually
12 to the United Nations Relief and Works Agency for Pal-
13 estine Refugees in the Near East (UNRWA) in an
14 amount—

15 (1) greater than the highest annual contribu-
16 tion to UNRWA made by a member country of the
17 League of Arab States;

18 (2) that, as a proportion of the total UNRWA
19 budget, exceeds the proportion of the total budget
20 for the United Nations High Commissioner for Ref-
21 ugees (UNHCR) paid by the United States; or

22 (3) that exceeds 22 percent of the total budget
23 of UNRWA.

1 **SEC. 310. UNITED NATIONS TREATY BODIES.**

2 The United States shall withhold from United States
3 contributions to the regular assessed budget of the United
4 Nations for a biennial period amounts that are propor-
5 tional to the percentage of such budget that are expended
6 with respect to a United Nations human rights treaty
7 monitoring body or committee that was established by—

8 (1) a convention (without any protocols) or an
9 international covenant (without any protocols) to
10 which the United States is not party; or

11 (2) a convention, with a subsequent protocol, if
12 the United States is a party to neither.

13 **SEC. 311. EQUALITY AT THE UNITED NATIONS.**

14 (a) DEPARTMENT OF STATE REVIEW AND RE-
15 PORT.—

16 (1) IN GENERAL.—To avoid duplicative efforts
17 and funding with respect to Palestinian interests
18 and to ensure balance in the approach to Israeli-Pal-
19 estinian issues, the Secretary shall, not later than
20 180 days after the date of the enactment of this
21 Act—

22 (A) complete an audit of the functions of
23 the entities listed in paragraph (2); and

24 (B) submit to the appropriate congres-
25 sional committees a report containing audit
26 findings and conclusions, and recommendations

1 for the elimination of such duplicative entities
2 and efforts.

3 (2) ENTITIES.—The entities referred to in
4 paragraph (1) are the following:

5 (A) The United Nations Division for Pales-
6 tinian Rights.

7 (B) The Committee on the Exercise of the
8 Inalienable Rights of the Palestinian People.

9 (C) The United Nations Special Coordi-
10 nator for the Middle East Peace Process and
11 Personal Representative to the Palestine Lib-
12 eration Organization and the Palestinian Au-
13 thority.

14 (D) The NGO Network on the Question of
15 Palestine.

16 (E) The Special Committee to Investigate
17 Israeli Practices Affecting the Human Rights of
18 the Palestinian People and Other Arabs of the
19 Occupied Territories.

20 (F) Any other entity the Secretary deter-
21 mines results in duplicative efforts or funding
22 or fails to ensure balance in the approach to
23 Israeli-Palestinian issues.

24 (b) IMPLEMENTATION BY PERMANENT REPRESENTA-
25 TIVE.—

1 (1) IN GENERAL.—The President shall direct
2 the United States Permanent Representative to the
3 United Nations to use the voice, vote, and influence
4 of the United States at the United Nations to seek
5 the implementation of the recommendations con-
6 tained in the report required under subsection
7 (b)(1).

8 (2) WITHHOLDING OF FUNDS.—Until such rec-
9 ommendations have been implemented, the United
10 States shall withhold from United States contribu-
11 tions to the regular assessed budget of the United
12 Nations for a biennial period amounts that are pro-
13 portional to the percentage of such budget that are
14 expended for such entities.

15 (c) GAO AUDIT.—The Comptroller General of the
16 United States of the Government Accountability Office
17 shall conduct an audit of—

18 (1) the status of the implementation of the rec-
19 ommendations contained in the report required
20 under subsection (b)(1); and

21 (2) United States actions and achievements
22 under subsection (c).

23 **SEC. 312. ANTI-SEMITISM AND THE UNITED NATIONS.**

24 The President shall direct the United States perma-
25 nent representative to the United Nations to use the voice,

1 vote, and influence of the United States at the United Na-
2 tions to make every effort to—

3 (1) ensure the issuance and implementation of
4 a directive by the Secretary General or the Secre-
5 tariat, as appropriate, that—

6 (A) requires all employees of the United
7 Nations and its specialized agencies to officially
8 and publicly condemn anti-Semitic statements
9 made at any session of the United Nations or
10 its specialized agencies, or at any other session
11 sponsored by the United Nations;

12 (B) requires employees of the United Na-
13 tions and its specialized agencies, programs,
14 and funds to be subject to punitive action, in-
15 cluding immediate dismissal, for making anti-
16 Semitic statements or references;

17 (C) proposes specific recommendations to
18 the General Assembly for the establishment of
19 mechanisms to hold accountable employees and
20 officials of the United Nations and its special-
21 ized agencies, programs, and funds, or Member
22 States, that make such anti-Semitic statements
23 or references in any forum of the United Na-
24 tions or of its specialized agencies;

1 (D) continues to develop and implements
2 education awareness programs about the Holo-
3 caust and anti-Semitism throughout the world,
4 as part of an effort to combat intolerance and
5 hatred; and

6 (E) requires the Office of the United Na-
7 tions High Commissioner for Human Rights
8 (OHCHR) to develop programming and other
9 measures that address anti-Semitism;

10 (2) secure the adoption of a resolution by the
11 General Assembly that establishes the mechanisms
12 described in paragraph (1)(C); and

13 (3) continue working toward further reduction
14 of anti-Semitic language and anti-Israel resolutions
15 in the United Nations and its specialized agencies,
16 programs, and funds.

17 **SEC. 313. REGIONAL GROUP INCLUSION OF ISRAEL.**

18 The President shall direct the United States Perma-
19 nent Representative to the United Nations to use the
20 voice, vote, and influence of the United States at the
21 United Nations to expand the Western European and Oth-
22 ers Group (WEOG) in the United Nations to include
23 Israel as a permanent member with full rights and privi-
24 leges.

1 **TITLE IV—UNITED NATIONS**
2 **HUMAN RIGHTS COUNCIL**

3 **SEC. 401. FINDINGS.**

4 The Congress makes the following findings:

5 (1) The United Nations Human Rights Council,
6 established in 2006 to replace the problematic UN
7 Human Rights Commission, has failed to meaning-
8 fully promote the protection of internationally recog-
9 nized human rights during its first year of oper-
10 ation.

11 (2) The UN Human Rights Council suffers
12 from significant structural flaws, such as the fact
13 that it draws its members from the General Assem-
14 bly without any substantive membership criteria,
15 with the perverse result that a number of the world's
16 worst human rights abusers are members of the
17 council.

18 (3) The structure and composition of the UN
19 Human Rights Council has made it subject to gross
20 political manipulation, with the result that, during
21 its first year of operation, the Council passed 9 reso-
22 lutions censuring the democratic state of Israel,
23 while failing to condemn any severe, ongoing human
24 rights abuses, such as in Sudan, North Korea,
25 China, Cuba, Zimbabwe, Belarus, or elsewhere.

1 **SEC. 402. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**
2 **FUNDING.**

3 (a) IN GENERAL.—For each and every fiscal year
4 subsequent to the effective date of this Act, until the Sec-
5 retary of State submits to Congress a certification that
6 the requirements described in subsection (b) have been
7 satisfied—

8 (1) the Secretary of State shall withhold from
9 a United States contribution each fiscal year to a
10 regularly assessed biennial budget of the United Na-
11 tions an amount that is equal to the percentage of
12 such contribution that the Secretary determines
13 would be allocated by the United Nations to support
14 the United Nations Human Rights Council;

15 (2) the Secretary of State shall not make a vol-
16 untary contribution to the United Nations Human
17 Rights Council; and

18 (3) the United States shall not run for a seat
19 on the United Nations Human Rights Council.

20 (b) CERTIFICATION.—The annual certification re-
21 ferred to in subsection (a) is a certification made by the
22 Secretary to Congress that the United Nations Human
23 Rights Council does not include a Member State—

24 (1) subject to sanctions by the Security Council;

25 (2) under a Security Council-mandated inves-
26 tigation for human rights abuses;

1 (3) subject, within the prior 5 years, to a coun-
 2 try-specific resolution passed under Agenda Item 9
 3 by the former UN Human Rights Commission;

4 (4) which the Secretary of State has deter-
 5 mined, for purposes of section 6(j) of the Export Ad-
 6 ministration Act of 1979 (as continued in effect pur-
 7 suant to the International Emergency Economic
 8 Powers Act), section 40 of the Arms Export Control
 9 Act, section 620A of the Foreign Assistance Act of
 10 1961, or other provision of law, is a government that
 11 has repeatedly provided support for acts of inter-
 12 national terrorism; or

13 (5) which the President has designated as a
 14 country of particular concern for religious freedom
 15 under section 402(b) of the International Religious
 16 Freedom Act of 1998.

17 **TITLE V—INTERNATIONAL**
 18 **ATOMIC ENERGY AGENCY**

19 **SEC. 501. INTERNATIONAL ATOMIC ENERGY AGENCY.**

20 (a) ENFORCEMENT AND COMPLIANCE.—

21 (1) OFFICE OF COMPLIANCE.—

22 (A) ESTABLISHMENT.—The President
 23 shall direct the United States Permanent Rep-
 24 resentative to International Atomic Energy
 25 Agency (IAEA) to use the voice, vote, and influ-

1 ence of the United States at the IAEA to estab-
2 lish an Office of Compliance in the Secretariat
3 of the IAEA.

4 (B) OPERATION.—The Office of Compli-
5 ance shall—

6 (i) function as an independent body
7 composed of technical experts who shall
8 work in consultation with IAEA inspectors
9 to assess compliance by IAEA Member
10 States and provide recommendations to the
11 IAEA Board of Governors concerning pen-
12 alties to be imposed on IAEA Member
13 States that fail to fulfill their obligations
14 under IAEA Board resolutions;

15 (ii) base its assessments and rec-
16 ommendations on IAEA inspection reports;
17 and

18 (iii) shall take into consideration in-
19 formation provided by IAEA Board Mem-
20 bers that are 1 of the 5 nuclear weapons
21 states as recognized by the Treaty on the
22 Non-Proliferation of Nuclear Weapons (21
23 UST 483) (commonly referred to as the
24 “Nuclear Nonproliferation Treaty” or the
25 “NPT”).

1 (C) STAFFING.—The Office of Compliance
2 shall be staffed from existing personnel in the
3 Department of Safeguards of the IAEA or the
4 Department of Nuclear Safety and Security of
5 the IAEA.

6 (2) COMMITTEE ON SAFEGUARDS AND
7 VERIFICATION.—The President shall direct the
8 United States Permanent Representative to the
9 IAEA to use the voice, vote, and influence of the
10 United States at the IAEA to ensure that the Com-
11 mittee on Safeguards and Verification established in
12 2005 shall develop and seek to put into force a
13 workplan of concrete measures that will—

14 (A) improve the ability of the IAEA to
15 monitor and enforce compliance by Member
16 States of the IAEA with the Nuclear Non-
17 proliferation Treaty and the Statute of the
18 International Atomic Energy Agency; and

19 (B) enhance the ability of the IAEA, be-
20 yond the verification mechanisms and authori-
21 ties contained in the Additional Protocol to the
22 Safeguards Agreements between the IAEA and
23 Member States of the IAEA, to detect with a
24 high degree of confidence undeclared nuclear
25 activities by a Member State.

1 (3) PENALTIES WITH RESPECT TO THE IAEA.—

2 (A) IN GENERAL.—The President shall di-
3 rect the United States Permanent Representa-
4 tive to the IAEA to use the voice, vote, and in-
5 fluence of the United States at the IAEA to en-
6 sure that a Member State of the IAEA that is
7 under investigation for a breach of or non-
8 compliance with its IAEA obligations or the
9 purposes and principles of the Charter of the
10 United Nations has its privileges suspended, in-
11 cluding—

12 (i) limiting its ability to vote on its
13 case;

14 (ii) being prevented from receiving
15 any technical assistance; and

16 (iii) being prevented from hosting
17 meetings.

18 (B) TERMINATION OF PENALTIES.—The
19 penalties specified under subparagraph (A)
20 shall be terminated when such investigation is
21 concluded and such Member State is no longer
22 in such breach or noncompliance.

23 (4) PENALTIES WITH RESPECT TO THE NU-
24 CLEAR NONPROLIFERATION TREATY.—The Presi-
25 dent shall direct the United States Permanent Rep-

1 representative to the IAEA to use the voice, vote, and
2 influence of the United States at the IAEA to en-
3 sure that a Member State of the IAEA that is found
4 to be in breach of, in noncompliance with, or has
5 withdrawn from the Nuclear Nonproliferation Treaty
6 shall return to the IAEA all nuclear materials and
7 technology received from the IAEA, any Member
8 State of the IAEA, or any Member State of the Nu-
9 clear Nonproliferation Treaty.

10 (b) UNITED STATES CONTRIBUTIONS.—

11 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
12 contributions of the United States to the IAEA
13 should primarily be used to fund activities relating
14 to Nuclear Safety and Security or activities relating
15 to Nuclear Verification.

16 (2) LIMITATION ON USE OF FUNDS.—The
17 President shall direct the United States Permanent
18 Representative to the IAEA to use the voice, vote,
19 and influence of the United States at the IAEA to—

20 (A) ensure that funds for safeguards in-
21 spections are prioritized for countries that have
22 newly established nuclear programs or are initi-
23 ating nuclear programs; and

24 (B) block the allocation of funds for any
25 other IAEA development, environmental, or nu-

1 clear science assistance or activity to a coun-
2 try—

3 (i) the government of which the Sec-
4 retary of State has determined, for pur-
5 poses of section 6(j) of the Export Admin-
6 istration Act of 1979, section 620A of the
7 Foreign Assistance Act of 1961, section 40
8 of the Arms Export Control Act, or other
9 provision of law, is a government that has
10 repeatedly provided support for acts of
11 international terrorism and the government
12 of which the Secretary has determined has
13 not dismantled and surrendered its weap-
14 ons of mass destruction programs under
15 international verification;

16 (ii) that is under investigation for a
17 breach of or noncompliance with its IAEA
18 obligations or the purposes and principles
19 of the Charter of the United Nations; or

20 (iii) that is in violation of its IAEA
21 obligations or the purposes and principles
22 of the Charter of the United Nations.

23 (3) DETAIL OF EXPENDITURES.—The Presi-
24 dent shall direct the United States Permanent Rep-
25 resentative to the IAEA to use the voice, vote, and

1 influence of the United States at the IAEA to se-
2 cure, as part of the regular budget presentation of
3 the IAEA to Member States of the IAEA, a detailed
4 breakdown by country of expenditures of the IAEA
5 for safeguards inspections and nuclear security ac-
6 tivities.

7 (c) MEMBERSHIP.—

8 (1) IN GENERAL.—The President shall direct
9 the United States Permanent Representative to the
10 IAEA to use the voice, vote, and influence of the
11 United States at the IAEA to block the membership
12 on the Board of Governors of the IAEA for a Mem-
13 ber State of the IAEA that has not signed and rati-
14 fied the Additional Protocol and—

15 (A) is under investigation for a breach of
16 or noncompliance with its IAEA obligations or
17 the purposes and principles of the Charter of
18 the United Nations; or

19 (B) that is in violation of its IAEA obliga-
20 tions or the purposes and principles of the
21 Charter of the United Nations.

22 (2) CRITERIA.—The United States Permanent
23 Representative to the IAEA shall make every effort
24 to modify the criteria for Board membership to re-
25 flect the principles described in paragraph (1).

1 (d) SMALL QUANTITIES PROTOCOL.—The President
2 shall direct the United States Permanent Representative
3 to the IAEA to use the voice, vote, and influence of the
4 United States at the IAEA to make every effort to ensure
5 that the IAEA changes the policy regarding the Small
6 Quantities Protocol in order to—

7 (1) rescind and eliminate the Small Quantities
8 Protocol;

9 (2) require that any IAEA Member State that
10 has previously signed a Small Quantities Protocol to
11 sign, ratify, and implement the Additional Protocol,
12 provide immediate access for IAEA inspectors to its
13 nuclear-related facilities, and agree to the strongest
14 inspections regime of its nuclear efforts; and

15 (3) require that any IAEA Member State that
16 does not comply with paragraph (2) to be ineligible
17 to receive nuclear material, technology, equipment,
18 or assistance from any IAEA Member State and
19 subject to the penalties described in subsection
20 (a)(3).

21 (e) NUCLEAR PROGRAM OF IRAN.—

22 (1) UNITED STATES ACTION.—The President
23 shall direct the United States Permanent Represent-
24 ative to the IAEA to use the voice, vote, and influ-
25 ence of the United States at the IAEA to make

1 every effort to ensure the adoption of a resolution by
2 the IAEA Board of Governors that, in addition to
3 the restrictions already imposed, makes Iran ineli-
4 gible to receive any nuclear material, technology,
5 equipment, or assistance from any IAEA Member
6 State and ineligible for any IAEA assistance not re-
7 lated to safeguards inspections or nuclear security
8 until the IAEA Board of Governors determines that
9 Iran—

10 (A) is providing full access to IAEA in-
11 spectors to its nuclear-related facilities;

12 (B) has fully implemented and is in com-
13 pliance with the Additional Protocol; and

14 (C) has permanently ceased and disman-
15 tled all activities and programs related to nu-
16 clear-enrichment and reprocessing.

17 (2) PENALTIES.—If an IAEA Member State is
18 determined to have violated the prohibition on as-
19 sistance to Iran described in paragraph (1) before
20 the IAEA Board of Governors determines that Iran
21 has satisfied the conditions described in subpara-
22 graphs (A) through (C) of such paragraph, such
23 Member State shall be subject to the penalties de-
24 scribed in subsection (a)(3), shall be ineligible to re-
25 ceive nuclear material, technology, equipment, or as-

1 sistance from any IAEA Member State, and shall be
 2 ineligible to receive any IAEA assistance not related
 3 to safeguards inspections or nuclear security until
 4 such time as the IAEA Board of Governors makes
 5 such determination with respect to Iran.

6 (f) REPORT.—Not later than 6 months after the date
 7 of the enactment of this Act and annually for 2 years
 8 thereafter, the President shall submit to the appropriate
 9 congressional committees a report on the implementation
 10 of this section.

11 **SEC. 502. SENSE OF CONGRESS REGARDING THE NUCLEAR**
 12 **SECURITY ACTION PLAN OF THE IAEA.**

13 It is the sense of Congress that the national security
 14 interests of the United States are enhanced by the Nuclear
 15 Security Action Plan of the IAEA and the Board of Gov-
 16 ernors should recommend, and the General Conference
 17 should adopt, a resolution incorporating the Nuclear Secu-
 18 rity Action Plan into the regular budget of the IAEA.

19 **TITLE VI—PEACEKEEPING**

20 **SEC. 601. REFORM OF UNITED NATIONS PEACEKEEPING**
 21 **OPERATIONS.**

22 It is the sense of Congress that—

23 (1) although United Nations peacekeeping oper-
 24 ations have contributed greatly toward the pro-
 25 motion of peace and stability for nearly 6 decades

1 and the majority of peacekeeping personnel who
2 have served under the United Nations flag have
3 done so with honor and courage, the record of
4 United Nations peacekeeping has been severely tar-
5 nished by operational failures and unconscionable
6 acts of misconduct;

7 (2) in response to such failures, in 2000 and
8 2005, respectively, the Secretary General charged
9 the high-level Panel on United Nations Peace Oper-
10 ations, led by former Foreign Minister of Algeria
11 Lakhdar Brahimi, and his Special Advisor on the
12 Prevention of Sexual Exploitation and Abuse, His
13 Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein
14 of Jordan, to provide honest assessments of the
15 United Nations' shortcomings and make rec-
16 ommendations that would help restore the con-
17 fidence of the international community in United
18 Nations peacekeeping operations;

19 (3) despite the fact that the United Nations has
20 had nearly 7 years to implement the reforms con-
21 tained in the Brahimi Report and more than 2 years
22 to implement the reforms in the Zeid Report, and
23 the fact that both the former Secretary-General Kofi
24 Annan and the Special Committee on Peacekeeping
25 Operations repeatedly have expressed their commit-

1 ment “to implementing fundamental, systematic
 2 changes as a matter of urgency,” a number of crit-
 3 ical reforms continue to be blocked or delayed by
 4 Members States who arguably benefit from mainte-
 5 nance of the status quo; and

6 (4) if the reputation of and confidence in
 7 United Nations peacekeeping operations is to be re-
 8 stored, fundamental and far-reaching reforms, par-
 9 ticularly in the areas of planning, management,
 10 training, conduct, and discipline, must be imple-
 11 mented without further delay.

12 **SEC. 602. POLICY RELATING TO REFORM OF UNITED NA-**
 13 **TIONS PEACEKEEPING OPERATIONS.**

14 It shall be the policy of the United States to pursue
 15 reform of United Nations peacekeeping operations in the
 16 following areas:

17 (1) PLANNING AND MANAGEMENT.—

18 (A) GLOBAL AUDIT.—As the size, cost,
 19 and number of United Nations peacekeeping
 20 operations have increased substantially over the
 21 past decade, an independent audit of each such
 22 operation, with a view toward “right-sizing” op-
 23 erations and ensuring that such operations are
 24 cost effective, should be conducted and its find-
 25 ings reported to the Security Council.

1 (B) REVIEW OF MANDATES AND CLOSING
2 OPERATIONS.—In conjunction with the audit
3 described in subparagraph (A), the United Na-
4 tions Department of Peacekeeping Operations
5 should conduct a comprehensive review of all
6 United Nations peacekeeping operation man-
7 dates, with a view toward identifying objectives
8 that are practical and achievable, and report its
9 findings to the Security Council. In particular,
10 the review should consider the following:

11 (i) Except in extraordinary cases, in-
12 cluding genocide, the United Nations De-
13 partment of Peacekeeping Operations
14 should not be tasked with activities that
15 are impractical or unachievable without the
16 cooperation of the Member State(s)
17 hosting a United Nations peacekeeping op-
18 eration, or which amount to de-facto
19 Trusteeship outside of the procedures es-
20 tablished for such under Chapter XII of
21 the UN Charter, thereby creating unreal-
22 istic expectations and obfuscating the pri-
23 mary responsibility of the Member States
24 themselves in creating and maintaining
25 conditions for peace.

1 (ii) Long-standing operations that are
2 static and cannot fulfill their mandate
3 should be downsized or closed.

4 (iii) Where there is legitimate concern
5 that the withdrawal from a country of an
6 otherwise static United Nations peace-
7 keeping operation would result in the re-
8 sumption of major conflict, a burden-shar-
9 ing arrangement that reduces the level of
10 assessed contributions, similar to that cur-
11 rently supporting the United Nations
12 Peacekeeping Force in Cyprus, should be
13 explored and instituted.

14 (C) LEADERSHIP.—As peacekeeping oper-
15 ations become larger and increasingly complex,
16 the Secretariat should adopt a minimum stand-
17 ard of qualifications for senior leaders and
18 managers, with particular emphasis on specific
19 skills and experience, and current senior leaders
20 and managers who do not meet those standards
21 should be removed.

22 (D) PRE-DEPLOYMENT TRAINING.—Pre-
23 deployment training on interpretation of the
24 mandate of the operation, specifically in the
25 areas of use of force, civilian protection and

1 field conditions, the Code of Conduct, HIV/
2 AIDS, and human rights should be mandatory,
3 and all personnel, regardless of category or
4 rank, should be required to sign an oath that
5 each has received and understands such train-
6 ing as a condition of participation in the oper-
7 ation.

8 (E) GRATIS MILITARY PERSONNEL.—The
9 General Assembly should seek to strengthen the
10 capacity the United Nations Department of
11 Peacekeeping Operations and ease the extraor-
12 dinary burden currently placed upon the limited
13 number of headquarters staff by lifting restric-
14 tions on the utilization of gratis military per-
15 sonnel by the Department so that the Depart-
16 ment may accept secondments from Member
17 States of military personnel with expertise in
18 mission planning, logistics, and other oper-
19 ational specialties.

20 (2) CONDUCT AND DISCIPLINE.—

21 (A) ADOPTION OF A UNIFORM CODE OF
22 CONDUCT.—A single, uniform Code of Conduct
23 that has the status of a binding rule and ap-
24 plies equally to all personnel serving in United
25 Nations peacekeeping operations, regardless of

1 category or rank, including military personnel,
2 should be adopted and incorporated into legal
3 documents governing participation in such an
4 operation, including all contracts and Memorandums of Understanding, promulgated and effectively enforced.

7 (B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or
8 rank, should receive training on the Code of
9 Conduct prior to deployment with a peace-
10 keeping operation, in addition to periodic follow-on training. In particular—

13 (i) all personnel, regardless of category or rank, should be provided with a
14 personal copy of the Code of Conduct that
15 has been translated into the national language of such personnel, regardless of
16 whether such language is an official language of the United Nations;

20 (ii) all personnel, regardless of category or rank, should sign an oath that
21 each has received a copy of the Code of
22 Conduct, that each pledges to abide by the
23 Code of Conduct, and that each understands the consequences of violating the
24
25

1 Code of Conduct, including immediate ter-
2 mination of participation in and permanent
3 exclusion from all current and future
4 peacekeeping operations , as well as the as-
5 sumption of personal liability for victims
6 compensation, as a condition of appoint-
7 ment to any such operation; and

8 (iii) peacekeeping operations should
9 conduct educational outreach programs to
10 reach local communities where peace-
11 keeping personnel of such operations are
12 based, including explaining prohibited acts
13 on the part of United Nations peace-
14 keeping personnel and identifying the indi-
15 vidual to whom the local population may
16 direct complaints or file allegations of ex-
17 ploitation, abuse, or other acts of mis-
18 conduct.

19 (C) MONITORING MECHANISMS.—Dedi-
20 cated monitoring mechanisms, such as the Per-
21 sonnel Conduct Units already deployed to sup-
22 port United Nations peacekeeping operations in
23 Haiti, Liberia, Burundi, and the Democratic
24 Republic of Congo, should be present in each

1 operation to monitor compliance with the Code
2 of Conduct, and—

3 (i) should report simultaneously to the
4 Head of Mission, the United Nations De-
5 partment of Peacekeeping Operations, and
6 the Associate Director of OIOS for Peace-
7 keeping Operations (established under sec-
8 tion 1114(b)(9)); and

9 (ii) should be tasked with designing
10 and implementing mission-specific meas-
11 ures to prevent misconduct, conduct follow-
12 on training for personnel, coordinate com-
13 munity outreach programs, and assist in
14 investigations, as OIOS determines nec-
15 essary and appropriate.

16 (D) INVESTIGATIONS.—A permanent, pro-
17 fessional, and independent investigative body
18 should be established and introduced into
19 United Nations peacekeeping operations. In
20 particular—

21 (i) the investigative body should in-
22 clude professionals with experience in in-
23 vestigating sex crimes, as well as experts
24 who can provide guidance on standards of

1 proof and evidentiary requirements nec-
2 essary for any subsequent legal action;

3 (ii) provisions should be included in
4 all Memorandums of Understanding, in-
5 cluding a Model Memorandum of Under-
6 standing, that obligate Member States that
7 contribute troops to a peacekeeping oper-
8 ation to designate a military prosecutor
9 who will participate in any investigation
10 into credible allegations of misconduct
11 brought against an individual of such
12 Member State, so that evidence is collected
13 and preserved in a manner consistent with
14 the military law of such Member State;

15 (iii) the investigative body should be
16 regionally based to ensure rapid deploy-
17 ment and should be equipped with modern
18 forensics equipment for the purpose of
19 positively identifying perpetrators and,
20 where necessary, for determining paternity;
21 and

22 (iv) the investigative body should re-
23 port directly to the Associate Director of
24 OIOS for Peacekeeping Operations, while
25 providing copies of any reports to the De-

1 partment of Peacekeeping Operations, the
2 Head of Mission, and the Member State
3 concerned.

4 (E) FOLLOW-UP.—A dedicated unit, simi-
5 lar to the Personnel Conduct Units, staffed and
6 funded through existing resources, should be es-
7 tablished within the headquarters of the United
8 Nations Department of Peacekeeping Oper-
9 ations and tasked with—

10 (i) promulgating measures to prevent
11 misconduct;

12 (ii) receiving reports by field per-
13 sonnel and coordinating the Department's
14 response to allegations of misconduct; and

15 (iii) gathering follow-up information
16 on completed investigations, particularly by
17 focusing on disciplinary actions against the
18 individual concerned taken by the United
19 Nations or by the Member State that is
20 contributing troops to which such indi-
21 vidual belongs, and sharing such informa-
22 tion with the Security Council, the Head of
23 Mission, and the community hosting the
24 peacekeeping operation.

1 (F) FINANCIAL LIABILITY AND VICTIMS

2 ASSISTANCE.—Although peacekeeping oper-
3 ations should provide immediate medical assist-
4 ance to victims of sexual abuse or exploitation,
5 the responsibility for providing longer-term
6 treatment, care, or restitution lies solely with
7 the individual found guilty of the misconduct.
8 In particular, the following reforms should be
9 implemented:

10 (i) The United Nations should not as-
11 sume responsibility for providing long-term
12 treatment or compensation by creating a
13 “Victims Trust Fund”, or any other such
14 similar fund, financed through assessed
15 contributions to United Nations peace-
16 keeping operations, thereby shielding indi-
17 viduals from personal liability and rein-
18 forcing an atmosphere of impunity.

19 (ii) If an individual responsible for
20 misconduct has been repatriated, reas-
21 signed, redeployed, or is otherwise unable
22 to provide assistance, responsibility for
23 providing assistance to a victim should be
24 assigned to the Member State that contrib-
25 uted the contingent to which such indi-

1 vidual belonged or to the manager con-
2 cerned.

3 (iii) In the case of misconduct by a
4 member of a military contingent, appro-
5 priate funds shall be withheld from the
6 troop contributing country concerned.

7 (iv) In the case of misconduct by a ci-
8 vilian employee or contractor of the United
9 Nations, appropriate wages shall be gar-
10 nished from such individual or fines shall
11 be imposed against such individual, con-
12 sistent with existing United Nations Staff
13 Rules, and retirement funds shall not be
14 shielded from liability.

15 (G) MANAGERS AND COMMANDERS.—The
16 manner in which managers and commanders
17 handle cases of misconduct by those serving
18 under them should be included in their indi-
19 vidual performance evaluations, so that man-
20 agers and commanders who take decisive action
21 to deter and address misconduct are rewarded,
22 while those who create a permissive environ-
23 ment or impede investigations are penalized or
24 relieved of duty, as appropriate.

1 (H) DATA BASE.—A centralized data base,
2 including personnel photos and fingerprints,
3 should be created and maintained within the
4 United Nations Department of Peacekeeping
5 Operations without further delay to track cases
6 of misconduct, including the outcome of inves-
7 tigations and subsequent prosecutions, to en-
8 sure that personnel who have engaged in mis-
9 conduct or other criminal activities, regardless
10 of category or rank, are permanently barred
11 from participation in future peacekeeping oper-
12 ations.

13 (I) COOPERATION OF MEMBER STATES.—
14 If a Member State routinely refuses to cooper-
15 ate with the directives contained herein or acts
16 to shield its nationals from personal liability,
17 that Member State should be barred from con-
18 tributing troops or personnel to future peace-
19 keeping operations.

20 (J) WELFARE.—Peacekeeping operations
21 should continue to seek to maintain a minimum
22 standard of welfare for mission personnel to
23 ameliorate conditions of service, while adjust-
24 ments are made to the discretionary welfare
25 payments currently provided to Member States

1 that contribute troops to offset the cost of oper-
2 ation-provided recreational facilities, as nec-
3 essary and appropriate.

4 **SEC. 603. CERTIFICATION.**

5 (a) NEW OR EXPANDED PEACEKEEPING OPER-
6 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
7 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

8 (1) NO NEW OR EXPANDED PEACEKEEPING OP-
9 ERATIONS.—

10 (A) CERTIFICATION.—Except as provided
11 in subparagraph (B), until the Secretary of
12 State certifies that the requirements described
13 in paragraph (2) have been satisfied, the Presi-
14 dent shall direct the United States Permanent
15 Representative to the United Nations to use the
16 voice, vote, and influence of the United States
17 at the United Nations to oppose the creation of
18 new, or expansion of existing, United Nations
19 peacekeeping operations.

20 (B) EXCEPTION AND NOTIFICATION.—The
21 requirements described under paragraph (2)
22 may be waived with respect to a particular
23 peacekeeping operation if the President deter-
24 mines that failure to deploy new or additional
25 peacekeepers in such situation will create a sig-

1 nificant possibility of the widespread loss of
2 human life, genocide, or the endangerment of a
3 vital national security interest of the United
4 States. If the President makes such a deter-
5 mination, the President shall, not later than 15
6 days before the exercise of such waiver, notify
7 the appropriate congressional committees of
8 such determination and resulting waiver.

9 (2) CERTIFICATION OF PEACEKEEPING OPER-
10 ATIONS REFORMS.—The certification referred to in
11 paragraph (1) is a certification made by the Sec-
12 retary to the appropriate congressional committees
13 that the following reforms, or an equivalent set of
14 reforms, related to peacekeeping operations have
15 been adopted by the United Nations Department of
16 Peacekeeping Operations or the General Assembly,
17 as appropriate:

18 (A) A single, uniform Code of Conduct
19 that has the status of a binding rule and ap-
20 plies equally to all personnel serving in United
21 Nations peacekeeping operations, regardless of
22 category or rank, has been adopted by the Gen-
23 eral Assembly and duly incorporated into all
24 contracts and a Model Memorandum of Under-
25 standing, and mechanisms have been estab-

1 lished for training such personnel concerning
2 the requirements of the Code and enforcement
3 of the Code.

4 (B) All personnel, regardless of category or
5 rank, serving in a peacekeeping operation have
6 been trained concerning the requirements of the
7 Code of Conduct and each has been given a per-
8 sonal copy of the Code, translated into the na-
9 tional language of such personnel.

10 (C) All personnel, regardless of category or
11 rank, are required to sign an oath that each has
12 received a copy of the Code of Conduct, that
13 each pledges to abide by the Code, and that
14 each understands the consequences of violating
15 the Code, including immediate termination of
16 participation in and permanent exclusion from
17 all current and future peacekeeping operations,
18 as well as the assumption of personal liability
19 for victims compensation as a condition of the
20 appointment to such operation.

21 (D) All peacekeeping operations have de-
22 signed and implemented educational outreach
23 programs to reach local communities where
24 peacekeeping personnel of such operations are
25 based to explain prohibited acts on the part of

1 United Nations peacekeeping personnel and to
2 identify the individual to whom the local popu-
3 lation may direct complaints or file allegations
4 of exploitation, abuse, or other acts of mis-
5 conduct.

6 (E) The creation of a centralized data
7 base, including personnel photos and finger-
8 prints, has been completed and is being main-
9 tained in the United Nations Department of
10 Peacekeeping Operations that tracks cases of
11 misconduct, including the outcomes of inves-
12 tigations and subsequent prosecutions, to en-
13 sure that personnel, regardless of category or
14 rank, who have engaged in misconduct or other
15 criminal activities are permanently barred from
16 participation in future peacekeeping operations.

17 (F) A Model Memorandum of Under-
18 standing between the United Nations and each
19 Member State that contributes troops to a
20 peacekeeping operation has been adopted by the
21 United Nations Department of Peacekeeping
22 Operations that specifically obligates each such
23 Member State to—

24 (i) uphold the uniform Code of Con-
25 duct which shall apply equally to all per-

1 sonnel serving in United Nations peace-
2 keeping operations, regardless of category
3 or rank;

4 (ii) designate a competent legal au-
5 thority, preferably a prosecutor with exper-
6 tise in the area of sexual exploitation and
7 abuse where appropriate, to participate in
8 any investigation into an allegation of mis-
9 conduct brought against an individual of
10 such Member State;

11 (iii) refer to its competent national or
12 military authority for possible prosecution,
13 if warranted, any investigation of a viola-
14 tion of the Code of Conduct or other crimi-
15 nal activity by an individual of such Mem-
16 ber State;

17 (iv) report to the Department of
18 Peacekeeping Operations on the outcome
19 of any such investigation;

20 (v) undertake to conduct on-site court
21 martial proceedings, where practical and
22 appropriate, relating to allegations of mis-
23 conduct alleged against an individual of
24 such Member State; and

1 (vi) assume responsibility for the pro-
2 vision of appropriate assistance to a victim
3 of misconduct committed by an individual
4 of such Member State.

5 (G) A professional and independent inves-
6 tigative and audit function has been established
7 within the United Nations Department of
8 Peacekeeping Operations and the OIOS to mon-
9 itor United Nations peacekeeping operations.

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